



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,967	02/09/2004	Samuel R. Mollet	GS-121029-4 (383)	4226
29391	7590	02/18/2005	EXAMINER	
BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A. 390 NORTH ORANGE AVENUE SUITE 2500 ORLANDO, FL 32801			MCCARRY JR, ROBERT J	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/774,967

Applicant(s)

MOLLET ET AL.

Examiner

Robert J. McCarry, Jr.

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/9/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrenberger et al (US 5,785,283) in view of Cardella et al (US 6,480,810).

Ehrenberger et al discloses a system and method for a wayside track device to communicate with a locomotive. As shown in figure 2 the wayside device 100 uses a wireless transceiver 212 to communicate with a wireless transceiver 146 on a locomotive 103. A database in the form of an event recorder 21, the database is associated with a processor 140 that receives the information from the transceiver 146. The signal from the wayside device 100 contains a test signal and information regarding the operational status of the wayside device 100. The system is further comprised of an audible alarm 152 and a visual display 150.

Ehrenberger et al discloses a system and method for a wayside device to communicate with a locomotive. However, Ehrenberger et al does not disclose the feature of the locomotive then communicating the information to a remote location. Cardella discloses a locomotive 10 in satellite communication with a central communication center for the train system. It would have been obvious to one of ordinary skill in the art to have applied a communication link from a locomotive to a

Art Unit: 3617

remote dispatch center, like that of Cardella, to a system like that of Ehrenberger et al so that operational status information about the wayside equipment along train routes may be communicated. This way the central communication center can keep track of inoperable wayside equipment and be able to send work crews out to perform repairs.

Ehrenberger et al discloses a system and method for a wayside device to communicate with a locomotive. However, Ehrenberger et al does not disclose that the wayside device is a detector to monitor such things as hot box detector, load detector or to detect if the train is dragging equipment. It is well known in the art that these types of detectors are used at the wayside of a track. It would have been an obvious design choice to apply the communication system to one of these types of detectors as well as block signaling equipment and grade crossing equipment.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrenberger et al (US 5,785,283) in view of Cardella et al (US 6,480,810) further in view of Pace (US 5,954,299).

The combination of Ehrenberger et al and Cardella disclose a communication system and method for wayside devices. However, the combination does not disclose the wayside equipment being powered by solar power source. Pace discloses a grade crossing signal having a solar power source. It would have been obvious to one of ordinary skill in the art to have applied a solar power source, like that of Pace, to a wayside device like that of Ehrenberger et al in order to more efficiently operate the wayside device.

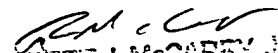
**Conclusion**

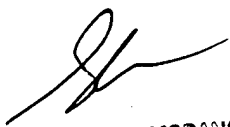
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (703) 305-0581. The examiner can normally be reached on Monday through Friday 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJM  
February 15, 2005

  
ROBERT J. MCCARRY, JR.  
PATENT EXAMINER  
3617

  
S. JOSEPH MORANO  
SUPERVISORY  
TECHNICAL  
EXAMINER  
300